

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**BOBACK SABEERIN, et al.,**

**Plaintiffs,**

**vs.**

**Civ. No. 21-cv-00512 MV/JFR**

**ALBUQUERQUE POLICE DEPARTMENT  
DETECTIVE TIM FASSLER, in his individual capacity,  
ALBUQUERQUE POLICE DEPARTMENT  
DETECTIVE JOHN DEAR, in his individual capacity,  
CITY OF ALBUQUERQUE,**

**Defendants.**

**MEMORANDUM OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on United States Magistrate Judge John F. Robbenhaar's Proposed Findings and Recommended Disposition ("PFRD"), filed August 17, 2021 (Doc. 25), recommending that the Court grant in part Defendants' motion to dismiss and grant Plaintiffs' motion to remand (Docs. 7, 9). Objections were due by no later than August 31, 2021, with three additional days permitted for mailing. *See* Doc. 25. The parties have not filed any objections, and all deadlines have expired. The failure to make timely objections to the Magistrate Judge's Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *United States v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10th Cir. 1996).


**IT IS THEREFORE ORDERED** that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 25) is adopted.

**IT IS FURTHER ORDERED** that Defendants' motion to dismiss (Doc. 7) is **GRANTED IN PART** as to Plaintiffs' federal claims only. The federal law claims are

**DISMISSED WITH PREJUDICE.** That motion (Doc. 7) is **DENIED** as to Plaintiffs' state law claims. Those state law claims are **DISMISSED WITHOUT PREJUDICE.**

**IT IS FURTHER ORDERED** that Plaintiffs' motion to remand (Doc. 9) is **GRANTED.** The state law claims shall be remanded to the Thirteenth Judicial District Court, Valencia County, State of New Mexico.

**IT IS FURTHER ORDERED** that this case is dismissed, and judgment shall enter in Defendants' favor only as to the federal law claims. The Court will remand the state law claims by separate order.

  
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MARTHA YAZQUEZ  
United States District Judge